

§ 3354. Report

Each federally recognized Indian tribe receiving a grant pursuant to this subchapter shall annually report to the Secretary concerning the administration of such grant, including the identities of any individual receiving a scholarship pursuant to this subchapter, and of any individual performing service pursuant to his or her commitment under this subchapter.

(Pub. L. 102-325, title XIII, §1364, July 23, 1992, 106 Stat. 815.)

§ 3355. Authorization of appropriations

For the purpose of carrying out the provisions of this subchapter, there are authorized to be appropriated \$2,000,000 for fiscal year 1993 and such sums as may be necessary for each of the 4 succeeding fiscal years.

(Pub. L. 102-325, title XIII, §1365, July 23, 1992, 106 Stat. 815.)

SUBCHAPTER V—AMERICAN INDIAN TEACHER TRAINING

§ 3371. American Indian teacher training**(a) Institutional support****(1) In general**

The Secretary of Education is authorized to award grants to tribally controlled postsecondary, vocational and technical institutions for the purposes of—

- (A) developing teacher training programs;
- (B) building articulation agreements between such institutions and other institutions of higher education as defined in section 1201(a) of the Higher Education Act of 1965 [20 U.S.C. 1141(a)]; and
- (C) basic strengthening of tribally controlled community colleges, as defined in section 1801(a)(4) of this title.

(2) Use of grants

Grants awarded under this subsection shall be for the purpose of providing upper division course work, transfer programs, articulation agreements (similar to those under part D¹ of title I of the Higher Education Act of 1965) with other accredited institutions, telecommunications programs or other mechanisms which directly support the training of American Indian teachers.

(b) Student support grants**(1) In general**

The Secretary of Education is authorized to award grants to institutions that have developed teacher training programs under subsection (a) of this section for the purpose of providing financial and programmatic support to American Indian students seeking to participate in such institutions' teacher training programs.

(2) Use of grants

Institutions receiving grants under this section shall require recipients of grants under this subsection to serve as teachers in an In-

dian community for 1 year for each year of scholarship support received.

(3) Eligibility

Students eligible to receive support grants shall include those who have completed at least 30 hours of postsecondary education and who intend to pursue a 4-year degree.

(4) Work requirement

Students who fail to satisfy the requirements of paragraph (2) shall be required to repay a pro rata portion of the total amount of scholarships awarded under this subchapter if the student worked for less than the required time period described in such paragraph.

(c) Scholarships**(1) Authority**

The Secretary of Education is authorized to provide scholarship assistance to American Indian students who seek to become teachers and who—

- (A) agree to serve as teachers in an Indian community for 1 year for each year of scholarship support received, and
- (B) have completed at least 30 hours of postsecondary education.

(2) Work requirement

Students who fail to satisfy the requirements of paragraph (1) shall be required to repay a pro rata portion of the total amount of scholarships awarded under this subchapter if the student worked for less than the required time period described in paragraph (1)(B).

(d) "Indian" defined

For purposes of this subchapter, the term "Indian" has the same meaning given such term in section 450b(d) of this title.

(e) Authorization of appropriations

There are authorized to be appropriated \$5,000,000 for fiscal year 1993 and such sums as may be necessary for each of the 4 succeeding fiscal years to carry out this subchapter.

(Pub. L. 102-325, title XIII, §1371, July 23, 1992, 106 Stat. 815.)

REFERENCES IN TEXT

The Higher Education Act of 1965, referred to in subsec. (a)(2), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219, as amended. Part D of title I of the Act was classified generally to part D (§1018 et seq.) of subchapter I of chapter 28 of Title 20, Education, and was omitted in the general revision of subchapter I by Pub. L. 102-325, title I, §101, July 23, 1992, 106 Stat. 459. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 20 and Tables.

CHAPTER 36—INDIAN EMPLOYMENT, TRAINING AND RELATED SERVICES

Sec.	
3401.	Statement of purpose.
3402.	Definitions.
3403.	Integration of services authorized.
3404.	Programs affected.
3405.	Plan requirements.
3406.	Plan review.
3407.	Plan approval.
3408.	Job creation activities authorized.
3409.	Private sector training placements.
3410.	Federal responsibilities.

¹ See References in Text note below.

Sec.

- (a) Responsibilities of Department of the Interior.
- (b) Report requirements.
- 3411. No reduction in amounts.
- 3412. Interagency fund transfers authorized.
- 3413. Administration of funds and overage.
 - (a) Administration of funds.
 - (b) Overage.
- 3414. Fiscal accountability.
- 3415. Report on statutory obstacles to program integration.
 - (a) Preliminary report.
 - (b) Final report.
- 3416. Labor market information on Indian work force.
 - (a) Report.
 - (b) Indian demographic information.
- 3417. Assignment of Federal personnel to State Indian economic development programs.

§ 3401. Statement of purpose

The purposes of this chapter are to demonstrate how Indian tribal governments can integrate the employment, training and related services they provide in order to improve the effectiveness of those services, reduce joblessness in Indian communities and serve tribally-determined goals consistent with the policy of self-determination.

(Pub. L. 102-477, § 2, Oct. 23, 1992, 106 Stat. 2302.)

SHORT TITLE

Section 1 of Pub. L. 102-477 provided that: "This Act [enacting this chapter] may be cited as the 'Indian Employment, Training and Related Services Demonstration Act of 1992'."

§ 3402. Definitions

For the purposes of this chapter, the following definitions apply:

(1) Indian tribe

The terms "Indian tribe" and "tribe" shall have the meaning given the term "Indian tribe" in section 450b(e) of this title.

(2) Indian

The term "Indian" shall have the meaning given such term in section 450b(d) of this title.

(3) Secretary

Except where otherwise provided, the term "Secretary" means the Secretary of the Interior.

(Pub. L. 102-477, § 3, Oct. 23, 1992, 106 Stat. 2302.)

§ 3403. Integration of services authorized

The Secretary of the Interior, in cooperation with the appropriate Secretary of Labor, Secretary of Health and Human Services, or Secretary of Education, shall, upon the receipt of a plan acceptable to the Secretary of the Interior submitted by an Indian tribal government, authorize the tribal government to coordinate, in accordance with such plan, its federally funded employment, training, and related services programs in a manner that integrates the program services involved into a single, coordinated, comprehensive program and reduces administrative costs by consolidating administrative functions.

(Pub. L. 102-477, § 4, Oct. 23, 1992, 106 Stat. 2302.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3404, 3405 of this title.

§ 3404. Programs affected

The programs that may be integrated in a demonstration project under any such plan referred to in section 3403 of this title shall include any program under which an Indian tribe is eligible for receipt of funds under a statutory or administrative formula for the purposes of job training, tribal work experience, employment opportunities, or skill development, or any program designed for the enhancement of job opportunities or employment training.

(Pub. L. 102-477, § 5, Oct. 23, 1992, 106 Stat. 2302.)

§ 3405. Plan requirements

For a plan to be acceptable pursuant to section 3403 of this title, it shall—

(1) identify the programs to be integrated;

(2) be consistent with the purposes of this chapter authorizing the services to be integrated in a demonstration project;

(3) describe a comprehensive strategy which identifies the full range of potential employment opportunities on and near the tribal government's service area, and the education, training and related services to be provided to assist Indian workers to access those employment opportunities;

(4) describe the way in which services are to be integrated and delivered and the results expected from the plan;

(5) identify the projected expenditures under the plan in a single budget;

(6) identify the agency or agencies of the tribal government to be involved in the delivery of the services integrated under the plan;

(7) identify any statutory provisions, regulations, policies, or procedures that the tribal government believes need to be waived in order to implement its plan; and

(8) be approved by the governing body of the affected tribe.

(Pub. L. 102-477, § 6, Oct. 23, 1992, 106 Stat. 2303.)

§ 3406. Plan review

Upon receipt of the plan from a tribal government, the Secretary of the Interior shall consult with the Secretary of each Federal department providing funds to be used to implement the plan, and with the tribal government submitting the plan. The parties so consulting shall identify any waivers of statutory requirements or of Federal departmental regulations, policies, or procedures necessary to enable the tribal government to implement its plan. Notwithstanding any other provision of law, the Secretary of the affected department shall have the authority to waive any regulation, policy, or procedure promulgated by that department that has been so identified by such tribal government or department, unless the Secretary of the affected department determines that such a waiver is inconsistent with the purposes of this chapter or those provisions of the statute from which the program involved derives its authority which are specifically applicable to Indian programs.

(Pub. L. 102-477, § 7, Oct. 23, 1992, 106 Stat. 2303.)

§ 3407. Plan approval

Within 90 days after the receipt of a tribal government's plan by the Secretary, the Secretary shall inform the tribal government, in writing, of the Secretary's approval or disapproval of the plan. If the plan is disapproved, the tribal government shall be informed, in writing, of the reasons for the disapproval and shall be given an opportunity to amend its plan or to petition the Secretary to reconsider such disapproval.

(Pub. L. 102-477, § 8, Oct. 23, 1992, 106 Stat. 2303.)

§ 3408. Job creation activities authorized

The plan submitted by a tribal government may involve the expenditure of funds for the creation of employment opportunities and for the development of the economic resources of the tribal government or of individual Indian people if such expenditures are consistent with an overall regional economic activity which has a reasonable likelihood of success and consistent with the purposes specifically applicable to Indian programs in the statute under which the funds are authorized.

(Pub. L. 102-477, § 9, Oct. 23, 1992, 106 Stat. 2303.)

§ 3409. Private sector training placements

A tribal government participating in a demonstration program under this chapter is authorized to utilize funds available under such plan to place participants in training positions with private employers and pay such participants a training allowance or wage for a period not to exceed 12 months, if the tribal government obtains a written agreement from the private employer to provide on-the-job training to such participants and, upon satisfactory completion of the training period, to guarantee permanent employment to such participants for a minimum of 12 months.

(Pub. L. 102-477, § 10, Oct. 23, 1992, 106 Stat. 2304.)

§ 3410. Federal responsibilities

(a) Responsibilities of Department of the Interior

Within 180 days following October 23, 1992, the Secretary of the Interior, the Secretary of Labor, the Secretary of Health and Human Services and the Secretary of Education shall enter into an interdepartmental memorandum of agreement providing for the implementation of the demonstration projects authorized under this chapter. The lead agency for a demonstration program under this chapter shall be the Bureau of Indian Affairs, Department of the Interior. The responsibilities of the lead agency shall include—

(1) the use of a single report format related to the plan for the individual project which shall be used by a tribal government to report on the activities undertaken under the project;

(2) the use of a single report format related to the projected expenditures for the individual project which shall be used by a tribal government to report on all project expenditures;

(3) the development of a single system of Federal oversight for the project, which shall be implemented by the lead agency; and

(4) the provision of technical assistance to a tribal government appropriate to the project, except that a tribal government shall have the authority to accept or reject the plan for providing such technical assistance and the technical assistance provider.

(b) Report requirements

The single report format shall be developed by the Secretary, consistent with the requirements of this chapter. Such report format, together with records maintained on the consolidated program at the tribal level shall contain such information as will allow a determination that the tribe has complied with the requirements incorporated in its approved plan and will provide assurances to each Secretary that the tribe has complied with all directly applicable statutory requirements and with those directly applicable regulatory requirements which have not been waived.

(Pub. L. 102-477, § 11, Oct. 23, 1992, 106 Stat. 2304.)

§ 3411. No reduction in amounts

In no case shall the amount of Federal funds available to a tribal government involved in any demonstration project be reduced as a result of the enactment of this chapter.

(Pub. L. 102-477, § 12, Oct. 23, 1992, 106 Stat. 2304.)

§ 3412. Interagency fund transfers authorized

The Secretary of the Interior, Secretary of Labor, Secretary of Health and Human Services, or the Secretary of Education, as appropriate, is authorized to take such action as may be necessary to provide for an interagency transfer of funds otherwise available to a tribal government in order to further the purposes of this chapter.

(Pub. L. 102-477, § 13, Oct. 23, 1992, 106 Stat. 2304.)

§ 3413. Administration of funds and overage

(a) Administration of funds

(1) In general

Program funds shall be administered in such a manner as to allow for a determination that funds from specific programs (or an amount equal to the amount attracted from each program) are spent on allowable activities authorized under such program.

(2) Separate records not required

Nothing in this section shall be construed as requiring the tribe to maintain separate records tracing any services or activities conducted under its approved plan to the individual programs under which funds were authorized, nor shall the tribe be required to allocate expenditures among such individual programs.

(b) Overage

All administrative costs may be commingled and participating Indian tribes shall be entitled to the full amount of such costs (under each program or department's regulations), and no overage shall be counted for Federal audit purposes, provided that the overage is used for the purposes provided for under this chapter.

(Pub. L. 102-477, § 14, Oct. 23, 1992, 106 Stat. 2305.)

§ 3414. Fiscal accountability

Nothing in this chapter shall be construed so as to interfere with the ability of the Secretary or the lead agency to fulfill the responsibilities for the safeguarding of Federal funds pursuant to the Single Audit Act of 1984 [31 U.S.C. 7501 et seq.].

(Pub. L. 102-477, § 15, Oct. 23, 1992, 106 Stat. 2305.)

REFERENCES IN TEXT

The Single Audit Act of 1984, referred to in text, is Pub. L. 98-502, Oct. 19, 1984, 98 Stat. 2327, which is classified generally to chapter 75 (§ 7501 et seq.) of Title 31, Money and Finance. For complete classification of this Act to the Code, see Short Title note set out under section 7501 of Title 31 and Tables.

§ 3415. Report on statutory obstacles to program integration

(a) Preliminary report

Not later than two years after October 23, 1992, the Secretary shall submit a preliminary report to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives on the status of the implementation of the demonstration program authorized under this chapter.

(b) Final report

Not later than five years after October 23, 1992, the Secretary shall submit a report to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources and the Committee on Education and Labor of the House of Representatives on the results of the implementation of the demonstration program authorized under this chapter. Such report shall identify statutory barriers to the ability of tribal governments to integrate more effectively their employment, training, and related services in a manner consistent with the purposes of this chapter.

(Pub. L. 102-477, § 16, Oct. 23, 1992, 106 Stat. 2305; Pub. L. 103-437, § 10(e)(1), (2)(C), Nov. 2, 1994, 108 Stat. 4589.)

AMENDMENTS

1994—Subsecs. (a), (b). Pub. L. 103-437 substituted “Committee on Indian” for “Select Committee on Indian” and “Natural Resources” for “Interior and Insular Affairs”.

CHANGE OF NAME

Committee on Natural Resources of House of Representatives changed to Committee on Resources of House of Representatives and Committee on Education and Labor of House of Representatives changed to Committee on Economic and Educational Opportunities of House of Representatives by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995.

§ 3416. Labor market information on Indian work force

(a) Report

The Secretary, in consultation with the Secretary of Labor, shall, in a consistent and reliable manner, develop, maintain and publish, not less than biennially, a report on the population, by gender, eligible for the services which the

Secretary provides to Indian people. The report shall include, but is not limited to, information at the national level by State, Bureau of Indian Affairs Service area, and tribal level for the—

- (1) total service population;
- (2) the service population under age 16 and over 64;
- (3) the population available for work, including those not considered to be actively seeking work;
- (4) the employed population, including those employed with annual earnings below the poverty line; and
- (5) the numbers employed in private sector positions and in public sector positions.

(b) Indian demographic information

The Secretary, in consultation with the Bureau of the Census of the Department of Commerce, and the National Center for Native American Studies and Policy Development authorized by Public Law 101-301, shall prepare a report on the need for comprehensive, accurate and periodically updated information on the size and characteristics of the Indian and Alaska Native population throughout the entire United States. This report shall include the need for information, together with the cost of acquiring such information, on the characteristics and need for education, health, housing, job training, and other basic needs of such population, and shall take into consideration the need for this information by Indian tribes and organizations serving Indians in nonreservation areas. The report shall be submitted to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources and the Committee on Education and Labor of the House of Representatives not later than 12 months after October 23, 1992.

(Pub. L. 102-477, § 17, Oct. 23, 1992, 106 Stat. 2305; Pub. L. 103-437, § 10(e)(1), (2)(C), Nov. 2, 1994, 108 Stat. 4589.)

REFERENCES IN TEXT

Public Law 101-301, referred to in subsec. (b), is Pub. L. 101-301, May 24, 1990, 104 Stat. 206. Section 11 of Pub. L. 101-301, which authorized feasibility study for the establishment of a National Center for Native American Studies and Policy Development, is not classified to the Code. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1994—Subsec. (b). Pub. L. 103-437 substituted “Committee on Indian” for “Select Committee on Indian” and “Natural Resources” for “Interior and Insular Affairs”.

CHANGE OF NAME

Committee on Natural Resources of House of Representatives changed to Committee on Resources of House of Representatives and Committee on Education and Labor of House of Representatives changed to Committee on Economic and Educational Opportunities of House of Representatives by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995.

§ 3417. Assignment of Federal personnel to State Indian economic development programs

Any State with an economic development program targeted to Indian tribes shall be eligible to receive, at no cost to the State, such Federal

personnel assignments as the Secretary, in accordance with the applicable provisions of the Intergovernmental Personnel Act of 1970 [42 U.S.C. 4701 et seq.], may deem appropriate to help ensure the success of such program.

(Pub. L. 102-477, §18, Oct. 23, 1992, 106 Stat. 2306.)

REFERENCES IN TEXT

The Intergovernmental Personnel Act of 1970, referred to in text, is Pub. L. 91-648, Jan. 5, 1971, 84 Stat. 1909, as amended, which enacted sections 3371 to 3376 of Title 5, Government Organization and Employees, and chapter 62 (§4701 et seq.) of Title 42, The Public Health and Welfare, amended section 1304 of Title 5 and section 246 of Title 42, repealed sections 1881 to 1888 of Title 7, Agriculture, and section 869b of Title 20, Education, and enacted provisions set out as notes under section 3371 of Title 5. For complete classification of this Act to the Code, see Short Title note set out under section 4701 of Title 42 and Tables.

CHAPTER 37—INDIAN ENERGY RESOURCES

- | | |
|-------|---|
| Sec. | |
| 3501. | Definitions. |
| 3502. | Tribal consultation. |
| 3503. | Promoting energy resource development and energy vertical integration on Indian reservations. |
| | (a) Demonstration programs. |
| | (b) Low interest loans. |
| | (c) Authorization of appropriations. |
| 3504. | Indian energy resource regulation. |
| | (a) Grants. |
| | (b) Purpose. |
| | (c) Other assistance. |
| | (d) Authorization of appropriations. |
| 3505. | Indian Energy Resource Commission. |
| | (a) Establishment. |
| | (b) Membership. |
| | (c) Appointments. |
| | (d) Vacancies. |
| | (e) Chairperson. |
| | (f) Quorum. |
| | (g) Organizational meeting. |
| | (h) Compensation. |
| | (i) Travel. |
| | (j) Commission staff. |
| | (k) Duties of Commission. |
| | (l) Powers of Commission. |
| | (m) Commission report. |
| | (n) Authorization of appropriations. |
| | (o) Termination. |
| 3506. | Tribal government energy assistance program. |
| | (a) Financial assistance. |
| | (b) Conditions. |
| | (c) Considerations. |
| | (d) Cost-share. |
| | (e) Authorization of appropriations. |

§ 3501. Definitions

For purposes of this chapter—

(1) the term “Indian tribe” means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; and

(2) the term “Indian reservation” includes Indian reservations; public domain Indian allotments; former Indian reservations in Okla-

homa; land held by incorporated Native groups, regional corporations, and village corporations under the provisions of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.); and dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State.

(Pub. L. 102-486, title XXVI, §2601, Oct. 24, 1992, 106 Stat. 3113.)

REFERENCES IN TEXT

The Alaska Native Claims Settlement Act, referred to in text, is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

§ 3502. Tribal consultation

In implementing the provisions of this Act, the Secretary of Energy shall involve and consult with Indian tribes to the maximum extent possible and where appropriate and shall do so in a manner that is consistent with the Federal trust and the Government-to-Government relationships between Indian tribes and the Federal Government.

(Pub. L. 102-486, title XXVI, §2602, Oct. 24, 1992, 106 Stat. 3113.)

REFERENCES IN TEXT

This Act, referred to in text, means Pub. L. 102-486, Oct. 24, 1992, 106 Stat. 2776, known as the Energy Policy Act of 1992. For complete classification of this Act to the Code, see Short Title note set out under section 13201 of Title 42, The Public Health and Welfare, and Tables.

§ 3503. Promoting energy resource development and energy vertical integration on Indian reservations

(a) Demonstration programs

The Secretary of Energy, in consultation with the Secretary of the Interior, shall establish and implement a demonstration program to assist Indian tribes in pursuing energy self-sufficiency and to promote the development of a vertically integrated energy industry on Indian reservations, in order to increase development of the substantial energy resources located on such Indian reservations. Such program shall include, but not be limited to, the following components:

(1) The Secretary shall provide development grants to Indian tribes or to joint ventures which are 51 percent or more controlled by an Indian tribe to assist Indian tribes in obtaining the managerial and technical capability needed to develop the energy resources on Indian reservations. Such grants shall include provisions for management training for tribal or village members, improving the technical capacity of the Indian tribe, and the reduction of tribal unemployment. Each grant shall be for a period of 3 years.

(2) The Secretary shall provide grants, not to exceed 50 percent of the project costs, for vertical integration projects. For purposes of this paragraph, the term “vertical integration